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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,866	10/06/2000	David Allison Bennett	PSTM0038/MRK/STM	2836
29524	7590	05/04/2006	EXAMINER	
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			WEBB, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/684,866	SHEN ET AL.	
	Examiner	Art Unit	
	Jamisia A. Webb	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8, 10-16, 18, 19, 22, 23, 25, 27-31, 33-36, 42, 44, 45 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 10, 11, 13-16, 18, 19, 22, 23, 25, 43, 51 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 27-31, 33-36, 42, 44, 45, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060216, 20051117</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS from 20050711</u> . |

DETAILED ACTION

Election/Restrictions

1. Claims 4-8, 10-11, 13-16, 18-19, 22-23, 25, 43, 51 and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/11/06.
2. Applicant has elected claims 12, 27-31, 33-35, 44 and 45 without traverse. Claims 36, 42, 49 and 50, which were inadvertently left out of the election/restriction, are drawn to the elected invention, and are considered along with previously mentioned claims.

Claim Rejections - 35 USC § 112

3. Claim 44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. With respect to Claim 44: the claim states the interactive user interface display comprises an instruction to execute an executable set of instructions. It is unclear to the examiner how a display can include an instruction to execute. Is this an instruction for the computer device to execute an executable set of instructions? Is this a button that the user has to select?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12 and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by Kara et al. (WO 99/21330).

7. With respect to Claims 12 and 30: Kara discloses the use of a shipping management computer system that is programmed for:

- a. Collecting, from a first user, parcel specifications (physical or electronic mail, reference numeral 112), and shipping preferences for a particular parcel (whether by paper or e-mail, see Page 12, lines 18-28 and Page 14, lines 1-11), the parcel specification includes an origin address (Kara discloses the use of delivery addresses return addresses, which the examiner considers to be an origin address, See Figure 1) and a parcel type, (whether it is paper mail or electronic mail, see abstract);
- b. Collecting, from a second user, destination address which includes a zip code (Kara discloses providing a delivery service with information as to how the documents should be delivered, and delivery preferences, which includes service as well as address (Page 14, lines 13-28, the recipient discloses whether the mail is sent via physical mail, or

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- electronic mail, therefore different carriers, and that info would include which carrier would delivery the mail, see abstract);
- c. Calculate a shipping rate (Page 12, lines 18-28);
 - d. Displaying the shipping rate to either the first user or the second user (Page 16, lines 17-25), the shipping rate calculated using the parcel specifications, origin address, destination zip code, the carrier and the service (Page 16 line 26-Column 17, line 4).
 - e. Where in the first and second users access the shipping management computer via the Internet, which the examiner considers to be a global communications network (See Claim 85).
8. Claims 27, 28, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara et al. (6,233,568).
9. With respect to Claims 27 and 28: Kara discloses a shipping management computer system that is programmed to:
- f. Receive a set of parcel specifications (See Figure 8, reference numeral 802);
 - g. Identify a default shipping location associated with a user (Return address, Reference numeral 803, with corresponding detailed description);
 - h. For each respective carrier of a plurality of carriers apply a set of carrier specific rules (based on shipping location and parcel handling) to the default shipping location to determine which of carriers would support shipping the parcel to the default location (See Figure 8, Column 21, line 8-28 and Column 22, lines 1-19);

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- i. Generate a display that includes a listing of each of the carriers that would support the shipping of the parcel from the default shipping location (See Figure 8);
 - j. Where in the shipping management computer system is configured for access by a plurality of carriers and each user accesses the computer system using the internet, which the examiner considers to be a global communications network (See Claim 45).
10. With respect to Claim 50: Kara discloses a shipping management computer system that is programmed to:
- k. Communicate remotely with a plurality of user computer devices (See Claim 45);
 - l. For each user:
 - i. Receive a request to ship a parcel, wherein the request includes:
 - (1) an origin postal code (See Figure 8);
 - (2) a destination postal code (See Figure 8)
 - (3) a set of parcel characteristics (See Figure 8);
 - ii. In response to request:
 - (4) determine a first and second carrier specific origin rating zone identifier (Column 21, lines 60-67);
 - (5) determine a first and second carrier specific destination rating zone identifier (Column 21, lines 60-67);
 - iii. Calculate, using zone identifiers, rates of first and second delivery services of the first and second carriers (See Figure 8).

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11. Claims 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholls (5,485,369).

12. With respect to Claim 44: Nicholls discloses a shipping management computer system that is programmed to:

13. Execute a set of computer instructions for generating an interactive user display of rating and scheduling information (See Figures 4A-4I, with corresponding detailed descriptions) related to shipping a parcel from an origin to a destination (See Figure 4A), the shipping management computer system programmed to generate the interactive user interface display according to a set of data input by a particular user via a remote user client device (See Figure 4A and 4B);

m. The interactive user interface display comprises:

n. A set of data input by a particular user (See Figure 4A);

o. An executed result (Rate calculations, See Figures 4B-4D, column 2, lines 32-38, column 7, lines 25-29).;

p. At least one data collection field (See Figures 4A and 4B); and

q. An instruction to execute an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data in the data collection field (Rate button, and Repeat button, Figure 4B);

iv. The user communicates with the shipping management system via the internet, which the examiner considers to be a global communications network (Column 3, lines 38-45).

14. With respect to Claim 45: Nicholls discloses the interactive user interface display is displayed on a remote user client computer device (See Figure 6).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (5,485,369) in view of Kara et al. (6,233,568).

17. With respect to Claims 31 and 49: Nicholls discloses a shipping management computer system, which is programmed to:

- r. Communicate with a plurality of client computer devices via the Internet (Column 3, lines 38-45);
- s. Instruct the client computer device to recognize a measured weight of a parcel using a digital scale (Reference numeral 34, Figure 4I with corresponding detailed description);
- t. Instruct the client computer device to communicate the measured weight to the shipping management computer system (See Figure 4A);
- u. Receive the measured weight by the user (See Figure 4A), this weight is used to calculate the weight of the parcel, therefore the examiner considers this to be the ratable weight;
- v. Calculate at least one shipping rate using the measured weight (See Figure 4A and Rate server, Figure 6);

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18. Nicholls however fails to disclose displaying the shipping rate to a display device in communication with the client computer device. Kara discloses a computer program used for multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

19. Claims 33-35 and 42 are rejected under 35 U.S.C 103(a) as being unpatentable over Nicholls et al (5,485,369) in view of Kara et al. (6,233,568) and Thiel (5,699,258)

20. With respect to Claims 33, 34, 35 and 42: Nicholls discloses a shipping management computer system which is programmed for:

- w. Communicating with a plurality of user client computer devices via a network communications protocol (Column 3, lines 38-45);
- x. Receiving a request from a user associated with the client computer device, to ship a particular parcel (See Figure 4A), wherein the request includes:
 - v. An origin identifier (origin address, Figure 4A);
 - vi. A delivery destination identifier (See Figure 4B);
 - vii. A set of parcel specifications (See Figure 4B);

21. Nichols discloses the use of a carrier system, however fails to disclose identifying plurality of carriers that would support shipping the parcel and displaying the rates to the user.

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Kara discloses a computer program used for multiple shippers that simultaneously displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

22. Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses displaying rates for the preferred carrier, but also discloses displaying the rates for second and third choices as well (Column 11, lines 46-54). The rates are associated with express delivery or normal delivery; therefore the examiner considers them to correspond to a time of the day for delivery. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls and Kara, to simultaneously display the rates of each carrier for each service, in order to allow the customer to come to his/her own conclusion and choice of carriers (See Theil, Column 11).

23. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al (5,485,369) in view of Fisher et al. (6,047,264), and Kara et al. (6,233,568).

24. Nicholls discloses the use of a shipping computer system (see abstract), with a method of using the system and a computer program located on the computer system, which instructs the computer to perform rate calculations (column 4, lines 8-24). Nicholls discloses each carrier

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having a set of shipping requirements and a predefined rate structure (column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying and displaying the carriers along with the rates of services, for each of the parcels according the rules (See Figures 4B, 4C and 4D, column 2, lines 32-38, column 7, lines 25-29 and claim 1) for each carrier. Nicholls discloses this system to be used over a global network (Column 3, lines 38-45).

25. Nicholls discloses the rates are calculated for carriers with specific delivery requirements such as Proof of Delivery (See Figure 4A), but fails to disclose the specific delivery requirements includes an electronic mail delivery notification. Fisher discloses a method for supplying automatic status updates using e-mail (See abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the proof of delivery of Nicholls be the electronic notification system, as disclosed by Fisher, in order to automatically send delivery status messages over e-mail without the aid or need of a human customer service representative. (See Fisher, columns 1 and 2).

26. Fisher and Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to

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make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

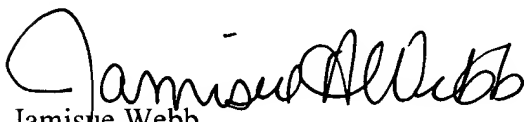
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb


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